

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM GREEN AND JOANN
GREEN,

Plaintiffs,

vs.

SUNSET FINANCIAL SERVICES,
INC., and BRYAN S. BEHRENS,

Defendants.

8:09-CV-13

ORDER

This matter is before the Court on the stipulation and joint motion for dismissal with prejudice (filing [361](#)) of William Green's claims against Sunset Financial Services. That motion will be granted.

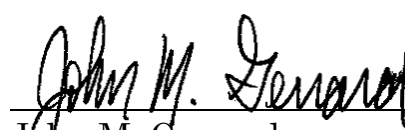
With the dismissal of William Green's claims against Sunset, no claims remain pending in this case. Sunset's counterclaim against William Green was severed by the bankruptcy court pursuant to [Fed. R. Bankr. P. 7021](#) and [Fed. R. Civ. P. 21](#), and remains pending in the bankruptcy court. Filings [240](#) and [242](#). But because it was severed pursuant to [Rule 21](#), it proceeds in a discrete, independent action, and it is the Court's duty to render final judgments on the claims before it. See *E.S. v. Indep. Sch. Dist.*, 135 F.3d 566, 568 (8th Cir. 1998). Accordingly, the Court will close this case and render final judgment under [Fed. R. Civ. P. 58\(a\)](#).

IT IS ORDERED:

1. The motion for dismissal with prejudice (filing [361](#)) is granted.
2. William Green's claims against Sunset Financial Services are dismissed with prejudice.
3. All claims having been dismissed, this case is closed.
4. A separate judgment will be entered.

Dated this 20th day of August, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
United States District Judge